

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

MARK A DOWNS and WANDA J DOWNS

Case No. 08-40814-RFN

DEBTOR(S),

REPORT OF (ADJOURNED) SECTION 341 MEETING
AND TRUSTEE'S RECOMMENDATION CONCERNING CONFIRMATION

Meeting Information:

Meeting Date: Tue, April 1, 2008

Time: 2:00 pm

1. Debtor(s) Appeared? DR1 ☒ Yes ☐ No DR2 ☐ Yes ☐ No ID Checked ☒ DR1 ☐ DR2 ☐
2. Debtor(s) attorney/paralegal appeared? ☒ Yes ☐ No ☐ Pro-se SS Checked ☒ DR1 ☐ DR2 ☐
3. Creditors Appeared: Name: _____ Representing: _____

Atacha Hendricks IRS

4. 341 Meeting: ☒ Concluded ☐ Not Held ☐ Adjourned Adj Date: _____

To Hear; Reason for adj.: _____

Debtor(s) to appear? DR1 ☐ Yes ☐ No DR2 ☐ Yes ☐ No

5. Need NOI for: ☐ Failure to Appear (DR1) / (DR2) ☐ Pay stubs(DR1) / (DR2) _____
☐ Wage Directive Information ☐ Tax Returns: _____
☐ Other: _____

6. Payment Information:

Current monthly payment per Plan: \$735.00

First Payment due: 03/26/2008

\$ rec'd as of 3/26/2008

\$0.00

Length of Plan: 60 months

Base Amount per Plan:

\$44,100.00

Confirmation Issues:

REFER TO LEGAL: ☐ Yes ☐ No

See Item(s):

#7, #9, #18*, #12

Confirmation Pre-Hearing Conference Date: 05/09/2008

Obj. to Conf. due date: 05/02/2008

Please indicate if Plan meets confirmation test by Y/N (YES/NO) or UD (unable to determine):

UD 7. Disposable Income: \$ 299.99 x ACP: 60 = Unsecured Pool: \$ 17,999.40

Unsecured Creditor's Pool per Plan: \$0.00

- ☒ 8. Best Interest: Exemptions: ☐ Federal; ☐ Texas State; ☐ Other State: _____

Exemptions Proper: ☒ Yes ☐ No

If no, explain: _____

Non-exempt Property: none

Value (equity) in non-exempt prop. \$ 0 Non-Exempt Prop. per Plan: \$0.00

UD 9. Feasibility: Surplus per I & J: \$ \$768.72

Plan Payments: \$ 735 x 60

☒ Step ☐ Ballon ☐ Unemployed ☐ Negative Surplus ☐ Other: no proof of income

10. Good Faith Petition and Plan: If no, explain: _____

N/A 11. Domestic Support Obligation: Debtor testified and/or answered debtor questionnaire that all post petition

DSO paid? Attorney General has objection: ☐ Yes ☐ No ☐ UD

N 12. Debtor testified and/or answered debtor questionnaire that previous 4 years tax returns have been filed with the IRS. If no, year(s) not filed 06

- ✓ 13. Plan does not discriminate.
14. Except as noted above, if any, the Trustee has no reason to believe that the Plan does not comply with provisions of Chapter 13 and Title 11.
- ✓ 15. The Trustee has no reason to believe that any fee, charge, or amount required under Chapter 123 of Title 28 or by the Plan to be paid before Confirmation has not been paid.
16. Business Case: Y If Yes, Level: 2 (If level 2, refer to Legal)
- ____ Employees _____ Liquor License _____ Over \$10,000 per/mo. gross ✓
____ Incurs trade debt _____ Other: _____
17. Tax Returns: _____ Year Tax Return Reviewed:
Number of Dependents on last year: _____ Notes: _____
Number in Household per B22C: 2 Notes: _____
- Gross 1040 (1.7) \$ _____
Gross 1040 (C-1) \$ _____
Gross Total: \$ _____
Gross per Schedule "I": \$ \$15,100.00 Gross Total /12 = \$ _____
- (If #7-15 is "No" or "UD" or if a level 2 business case, refer to Legal for further action.)

18. Presiding Officer Notes:

because previous bk dismissed

*4 bk - ? Ch 13 - dismissed - 1/08 ✓
oil & gas - yrs - 1 year - 93.00
wife employed - unemployed
PEL to provide to business
06 or 07 tax return
employees? no -*

By: _____

Kelly Binok

Presiding Officer

* #35 Cni Healthcare - added back \$303

19. Legal Department Notes: Trustee recommends confirmation based on the above representations except:

____ None ✓ Objection to be Filed: BUS INTERV; DIT → \$18K;
'06 11/2

____ Resolved by Stipulation: _____

✓ Other: FENS IS OK

By: _____

Attorney for Trustee / Trustee